IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF ALABAMA SOUTHERN DIVISION

GEORGE HERROD, JR., :

Petitioner,

v. : CIVIL ACTION 05-0118-CB-M

CHERYL PRICE, :

Respondent. :

ORDER

After due and proper consideration of all pleadings in this file, and a *de novo* determination of those portions of the Recommendation to which objection is made, the Recommendation of the Magistrate Judge made under 28 U.S.C. § 636(b)(1)(B) is adopted as the opinion of this Court, with the following correction.

The Report and Recommendation erroneously states that the AEDPA limitations period began to run on October 1, 1995, when petitioner's state conviction became final, and expired one year later. Because the conviction became final prior to the effective date of AEDPA, the limitations period began to run on April 24, 1996, the date AEDPA became effective, and expired one year later. *Goodman v. United States*, 151 F.3d 1335, 1336 (11th Cir. 1998). Thus, although the Magistrate

Judge inadvertently applied the wrong accrual date, his ultimate conclusion, i.e., that this action is time-barred, is correct.

It is ORDERED that this habeas petition be DENIED and that this action be DISMISSED.

DONE this 17th day of August, 2005.

<u>s/CHARLES R. BUTLER, JR.</u>
SENIOR UNITED STATES DISTRICT JUDGE